Remarks

SUMMARY

Claims 11-17, 19-24, 26, 27, 29-31 and 34-37 are rejected and remain pending. Claims 17, 24 and 31 are amended.

Claim Rejections under 35 U.S.C. § 102

The Office rejects claims 17, 19-20, 24, 26, 31, 36, and 37 under 35 U.S.C. § 102(b) as being anticipated by *Reinemann*, U.S. Patent Publication No. 2003/0115118. To anticipate a claim under § 102(b), a prior art reference must teach all elements of the rejected claim. To establish that an undisclosed element is otherwise inherent in a cited reference under § 102, the Office must provide rationale or evidence tending to show inherency. Once shown, the burden shifts to the Applicant to show an "un-obvious" difference. Evidence of inherency "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities." See MPEP 2112.

Amended claim 17 recites a method comprising:

> generating, by a computing system, a lookup index to one or more pre-established sets of configuration parameter values, based at least in part on an output of an index function configured to accept as input one or more measured performance values associated with one or more corresponding observed performance events associated with a platform's execution of a workload; and
>
> selecting, by the computing system, one of the one or more pre-established sets of configuration parameter values, based at least in part on the generated lookup index, for application to configure the platform.

The Office cites the Reinemann abstract and paragraph [0013] for the lookup index and configuration parameter sets of claim 17. Reinemann teaches monitoring resource utilization of a processor by collecting performance metrics and archiving them in a log file.[1] In addition to monitoring, Reinemann discloses a policy manager capable of applying policies based on the collected performance metrics. These policies dictate

[1] Reinemann, paragraph [0011].

resource sharing among processors. The Office asserts that the lookup index and the index function are both inherent in the archive of Reinemann.

As noted by the Office on page 19 of the Non-Final Office Action dated May 16, 2007, the only lookup index arguably inherent in Reinemann is a memory address of the log file to which the metrics are archived. Even if this is true, the Office presents neither a rationale nor evidence tending to show inherency of the index function. Instead, the Office merely asserts that "an index function is inherent in an archived system." This makes it difficult to fully evaluate the rejection. But given that the purported inherent lookup index of Reinemann is a memory address, an inherent index function that generates such an index might, for example, involve mathematical manipulation to compute the memory address. In any event, assuming *arguendo* that an "index function" broadly defined is inherent in the Reinemann archive, an index function "configured to accept as input one or more measured performance values associated with one or more corresponding observed performance events" is not inherent. Even assuming that the archived performance metrics of Reinemann are the measured performance values of claim 17, it would not be sensible to use the performance metrics to generate the address/index by using values associated with them as inputs into the index function. The memory address/index would most certainly be generated completely independently of the performance metrics. Even to the extent that the address/index *could* be generated using the performance metrics, mere probabilities are not enough to show inherency.

The index function of claim 17 is accordingly not inherent in Reinemann. Therefore, not all elements of claim 17 are taught by Reinemann and – for at least this reason – Applicants submit that claim 17 is therefore patentable over Reinemann.

Amended claims 24 and 31 recite limitations similar to those of claim 17, and are thus patentable over Reinemann for at least the same reasons. Accordingly, Reinemann does not anticipate claims 24 and 31.

Claims 18-20, 25-26, 36, and 37 depend from amended claims 17 and 24, incorporating their limitations. Accordingly, for at least the same reasons, Reinemann fails to anticipate claims 18-20, 25-26, 36, and 37.

Claim Rejections under 35 U.S.C. § 103

Claims 11-16, 21-23, 27, 29-30, 34, and 35 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over *Reinemann*, and further in view of *Chiu*, U.S. Patent Publication No. 2002/0186658.

Claim 11 recites "In a system, a method of operation comprising:

> determining whether a workload executed or being executed by a platform resembles a reference workload, based at least in part on one or more performance events observed from monitoring the platform's execution of the workload; and
>
> if the workload is determined to resemble the reference workload, performing a selected one of
>
> > selecting a set of one or more configuration parameter values pre-selected for the platform to execute the resembled reference workload, and
> >
> > providing information about the determined resembled reference workload to facilitate the selection of the set of one or more configuration parameter values pre-selected for the platform to execute the determined resembled reference workload."

Claim 11, read as a whole as required by law, teaches a method of determining whether a platform's workload resembles a reference workload and selecting a pre-selected set of configuration parameter values corresponding to the reference workload.

As stated above, Reinemann teaches that a policy manager may share one or more resources based on a resource utilization threshold set by a policy. The only comparison necessary is between the measured performance metrics and the policy thresholds. Reinemann does not teach the comparison of a workload to a reference workload.

The Office notes the above deficiency of Reinemann, and cites the IP routing protocol OSPF discussed in Chiu paragraph [0023] for teaching a reference workload. In the previous Non-Final Office Action dated May 16, 2007, the Office, in response to Applicant's previous arguments that Chiu does not teach *comparing* one workload with another, stated that by teaching "selectively offloading traffic", Chiu inherently teaches comparison of a workload to a reference workload. In the Final Office Action, the Office further elaborated pointing out that paragraph [0042] teaches off-loading traffic from

heavily-congested network links to less-congested links. By doing so, the Office argues, Chiu inherently compares each network trunk's utilization to some threshold. Whether this is true or not, it illustrates that Chiu at most does no more than Reinemann. That is, it does no more than compare a measured performance metric to a *threshold* and comparison to a threshold typically involves whether the performance metric is above or below the threshold, not whether the performance metric "resembles" the threshold. Therefore, the prior art does not teach or suggest determine the resemblance of a platform's workload to a reference *workload* as required by claim 11.

Further, one skilled in the art would have found no motivation to modify Chiu to include comparing a platform's workload to a reference workload. The purpose of Chiu is to minimize the maximum number of network trunks with congested links. Comparing the workload of a Chiu network router, for example, to a reference router workload would not help load-balance network trunks. A single router's workload may have nothing to do with the configuration necessary to achieve load-balancing of the network's trunks. In fact, it is quite possible that minimizing the maximum number of traffic trunks with congested links requires configuring two routers with similar workloads quite differently. For at least this reason, one of ordinary skill in the art would find no motivation to modify Chiu to include "determining whether a workload executed or being executed by a platform resembles a reference workload, based at least in part on one or more performance events observed from monitoring the platform's execution of the workload" as required by claim 11. Chiu therefore fails to suggest this claim limitation.

Therefore, Reinemann and Chiu, individually or combined, failed to teach or suggest claim 11. Accordingly, claim 11 is patentable over Reinemann and Chiu, alone or in combination.

Claim 21 and 27 recite limitations similar to those of claim 11, and accordingly are patentable over Reinemann and Chiu for at least the same reasons.

Claims 12-16, 22-23, 27, 29-30, 34, and 35 depend from claim 11, 21, and 27, respectively, incorporating their limitations. Accordingly, for at least the same reasons, claim 12-16, 22-23, 27, 29-30, 34, and 35 are patentable over Reinemann and Chiu, alone or in combination.

Conclusion

Applicants submit that all pending claims are in condition for allowance. Thus, a Notice of Allowance is earnestly solicited. Please contact the undersigned regarding any questions or concerns associated with the present matter. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,

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